

## REMARKS

Claims 6-36 were presented for examination. In an Office action dated May 31, 2007, claims 6-36 were rejected. Claims 6, 25-32, 34, and 35 are amended herein to more distinctly claim Applicants' invention. These changes are believed not to introduce new matter, and their entry is respectfully requested. In making these amendments, Applicants do not concede that the subject matter of the prior claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time in this or another application.

Applicants thank the Examiner for examination of the claims pending in this application and address the Examiner's comments below. Based on the above Amendment and following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and withdraw them.

### Response to Rejection Under 35 USC § 101

The Examiner has rejected claims 25-36 under 35 USC § 101 as allegedly being directed to non-statutory subject matter.

Applicants have amended claim 25 to recite “[a]n apparatus for creating a representation of a first object, the first object associated with a first software application stored on a computer-readable storage medium.<sup>1</sup>” Support for this amendment can be found in the Specification. See, for example, Applicant's Specification, page 9, paragraph [0037].

MPEP 2106 specifically enumerates such computer readable storage medium as statutory subject matter. Specifically, MPEP 2106.01 states that “[w]hen functional

descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.”

Applicants respectfully submit that claims 25-36 now recite patentable subject matter.

#### **Response to Double Patenting Rejection**

The Examiner provisionally rejected claims 6, 13, 14 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2, 12, and 3 of U.S. Patent No. 6,693,652. Applicants are filing a Terminal Disclaimer with this amendment.

#### **Response to Rejection Under 35 USC 102(e)**

The Examiner rejected claims 6-7, 17-20, 25-26, and 35-36 under 35 USC § 102(e) as allegedly being anticipated by Anguilo et al. (“Anguilo”) U.S. Patent No. 6,275,829. This rejection is traversed.

Claim 6 has been amended to now recite:

A method for creating a representation, the method comprising:  
capturing an image of a first object, the first object associated with a first software application;  
determining a reference to the first object;  
creating a second object associated with a second software application, *the second software application being distinct from the first software application;*  
*creating a reference marker, the reference marker connecting the second object with the first object;*  
*creating the representation, the representation comprising the captured image, the determined reference, the second object, and the reference marker; and*  
*adding the representation to a message.*

Similarly, claim 25 has been amended to now recite similar limitations. These features of the claimed invention are beneficial because they allow for the creation and addition of media objects and references thereto to multimedia messages. In other words, visual representation of media objects and references to them such as thumbnails images and links may be added to already-existing multimedia messages.

Anguilo fails to disclose or suggest at least the features of “creating a reference marker...creating the representation...and adding the representation to a message.” Anguilo merely discloses creating thumbnail representations of original, full-size images. *See Anguilo*, col. 5, lines 61-65. Selection of the thumbnail in Anguilo merely allows for retrieval and display of the original, full-size image. *See Anguilo*, col. 6, lines 2-9. As such, Anguilo does not disclose or suggest creating a message object including a second object or a captured image, as recited in claims 6 and 25. Therefore, for at least these reasons, the rejection of claims 6 and 25 under 35 USC § 102(e) based on Anguilo is improper and should be withdrawn.

Defendant claims 7 and 17-20 similarly recite “creating a reference marker...creating the representation...and adding the representation to a message”, and dependent claims 26 and 35-36 also similarly recite the “automatic message creation module.” All arguments advanced above with respect to claims 6 and 25 apply equally to claims 7, 17-20, 26, and 35-36. As claims 7, 17-20, 26, and 35-36 depend either directly or indirectly from the patentable independent claims 6 or 25 discussed above, all arguments advanced above with respect to independent claims 6 and 25 are hereby incorporated so as to apply to these dependent claims as well. Applicants submit that dependent claims 7, 17-20, 26, and 35-36 are patentable over

the prior art of record by reason of their dependency, in addition to the further patentable limitations recited therein.

**Response to Rejections Under 35 USC 103(a)**

The Examiner rejected claims 8, 10, 12, 14-16, 27, 29, 30, and 32-34 under 35 USC § 103(a) as allegedly being unpatentable over Anguilo in view of Chailleux (“Chailleux”) U.S. Patent No. 6,404,441. This rejection is traversed.

As discussed above, Anguilo fails to disclose or suggest at least the features of “creating a reference marker...creating the representation...and adding the representation to a message.” Furthermore, Chailleux does not remedy the deficiencies of Anguilo.

Examiner’s rejections of claims 8, 10, 12, 14-16, 27, 29, 30, and 32-34 are based on Examiner’s rejections of independent claims 6 and 25 under 35 USC § 102(e) where the Examiner alleges that Anguilo teaches all the limitations of such independent claims. However, as described above, Anguilo does not teach all the limitations of independent claims 6 and 25 as Anguilo fails to disclose or suggest at least the feature of “creating a reference marker...creating the representation...and adding the representation to a message.” Furthermore, Chailleux does not remedy the deficiencies of Anguilo as Chailleux also does not disclose or suggest at least the feature of “creating a reference marker...creating the representation...and adding the representation to a message.” Chailleux merely discloses a system for producing presentations of computer application programs. *See* Chailleux, col. 3, lines 27-28. The system in Chailleux provides for the creation and display of a sequence of screenshot images of an application program, but does not disclose or teach an object and references thereto to a multimedia message. *See* Chailleux, col. 3, lines 37-39.

Therefore, because claims 8, 10, 12, 14-16, 27, 29, 30, and 32-34 depend on independent claim 6 or 25, Applicants respectfully submit that for at least these reasons, claims 8, 10, 12, 14-16, 27, 29, 30, and 32-34 are patentably distinguishable over the cited references, both alone and in combination. Therefore, Applicants respectfully request that Examiner reconsider the rejection, and withdraw it.

**Conclusion**

In sum, Applicants respectfully submit that all claims now pending are patentable over the cited references for at least the reasons given above, while not necessarily conceding any contention not specifically addressed. Applicants request reconsideration of the basis for the rejections of these claims and request allowance of them.

If the Examiner believes that for any reason direct contact with Applicants' attorney would help advance the prosecution of this case, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully Submitted,  
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